

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STANLEY ARNOLD,

USDC SDNY
DOCUMENT
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DATE FILED: 03/08/12

Plaintiff,

-against-

09 Civ. 7299 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

MARTIN GEARY, et al.,

Defendants.

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DEBORAH A. BATTES, United States District Judge.

This matter is before the Court upon the January 4, 2012 Report and Recommendation of United States Magistrate Judge Gabriel W. Gorenstein (the "Report"). Judge Gorenstein's Report recommends that the Housing Authority Defendants' Motion for Summary Judgment (Dkt. #69) be GRANTED, and the City Defendants' Motion for Summary Judgment (Dkt. #74) be GRANTED in part and DENIED in part. (Report at 3, 17.) Specifically, Judge Gorenstein's Report recommends that "all claims should be dismissed except the claims for false arrest and malicious prosecution under 42 U.S.C. § 1983 against defendants Geary, Salerno and Pappas." (Id.)

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. §

636 (b) (1) (C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). “[F]ailure to object timely to a magistrate’s report operates as a waiver of any further judicial review of the magistrate’s decision.” Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate’s report “explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review...” Small, 892 F.2d at 16.

Despite being advised of the procedure for filing objections in Judge Gorenstein’s Report, and warned that failure to file objections would waive objections and preclude appellate review, (Report at 17), Plaintiff Stanley Arnold has filed no objections to the Report. Nor has any other Party filed objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Gabriel W. Gorenstein, dated January 4, 2012, be and the same hereby is APPROVED, ADOPTED, and

RATIFIED by the Court in its entirety. For the reasons detailed in Judge Gorenstein's Report, the Housing Authority Defendants' Motion for Summary Judgment is GRANTED, and the City Defendants' Motion for Summary Judgment is GRANTED in part and DENIED in part. All claims are hereby DISMISSED except the claims for false arrest and malicious prosecution against Defendants Geary, Saliero and Pappas.

SO ORDERED.

Dated: New York, New York

March 8, 2012

Deborah A. Batts

Deborah A. Batts
United States District Judge